

Article - Public Utilities

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§23–104.

(a) If a privately owned water or sewer system is the subject of a condemnation proceeding under this division, a jury in the proceeding shall determine the fair market value as provided for in § 12–105(b) of the Real Property Article.

(b) (1) If the Commission condemns a privately owned system, the Commission shall take the system free and clear of all debts and liens.

(2) (i) The Commission shall make a party defendant any person that has a recorded lien or encumbrance against the privately owned system.

(ii) The circuit court may determine the respective amounts due the defendants.

(c) After the payment into the court or to the proper parties:

(1) the Commission may take possession of, maintain, and operate the private system; and

(2) all properties along the line of any water main or sewer of the private system shall stand in the same relation, bear the same benefit assessment, and be subject to the same regulations and penalties as though the private system had been constructed and put into operation by the Commission under the provisions of this division.

(d) A building or premises properly connected with the acquired private system at the time of its purchase is not subject to the connection charge specified under Title 25, Subtitle 3 of this article.

(e) (1) If the Commission considers that a privately owned water or sewer system is unfit, in whole or in part, for incorporation with the Commission's system, the Commission shall:

(i) disregard the existence of the system or unfit part of the system; and

(ii) extend the Commission's system to serve the area served by the existing system or unfit part of the system.

(2) All of the provisions of this division relating to systems constructed by the Commission apply to an extension under paragraph (1) of this subsection.

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